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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/774,408

02/10/2004

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028987.52975US

9755

23911 7590 01/25/2007
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EXAMINER

COOLMAN, VAUGHN

ART UNIT

PAPER NUMBER

3618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/774,408

Applicant(s)

HUELSEMAN, ULRICH

Examiner

Vaughn T. Coolman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 9, 10, 13-17, 21, 22, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Okui et al (U.S. Patent No. 5,257,674).

[claims 1 and 13] Okui discloses (see FIGS 1-6) a driving unit for a motor vehicle which comprises an internal combustion engine (12) and a housing component (38,) having or receiving a clutch (Column 4, lines 32-34), a transmission (36, 37) and a differential (Column 4, lines 44-46), wherein the housing component housing the clutch is joined to the internal combustion engine (Column 4, lines 56-60) [and] has a first bearing (inherent) and a second bearing (inherent) for an input shaft (32) as well as an output shaft (36) of the transmission and a third bearing (inherent) for the differential, with a container area (62) for a dry sump lubrication of the internal combustion engine being integrated into the housing component. Examiner notes that all modern engine assemblies employ bearings to support rotating shafts.

[claims 2 and 14] Okui further discloses the housing component and a housing structure (Column 4, lines 56-60) of the internal combustion engine are assembled together as separate components on a junction plane (see FIGS 2 and 4).

[claims 3 and 15] Okui further discloses (see FIGS 1 and 2) the input shaft and output shaft being disposed transversely across a longitudinal central plane (inherent) of the passenger automobile.

[claims 4 and 16] Okui further discloses the housing component having a chamber on the side facing the internal combustion engine for the clutch (Column 4, lines 32-36 and FIG 2).

[claims 5 and 17] Okui further discloses the clutch being held in position through the medium of a flywheel on a crankshaft of the internal combustion engine (Column 4, lines 32-36).

[claims 9 and 21] Okui further discloses a plane of separation between a first housing part and a second housing part being relatively upright (see FIGS 2 and 4).

[claims 10 and 22] Okui further discloses the housing component being configured to receive a starter of the internal combustion engine, which cooperates with the clutch (Column 4, lines 32-40).

[claim 25] Okui discloses (see FIGS 1-6) a method for making a driving unit for a motor vehicle, comprising the steps of:

- providing a housing component (16-18) for receiving at least one of a clutch, a transmission (36, 37) and a differential (Column 4, lines 44-46);
- joining the housing component to an internal combustion engine (12) of the vehicle;
- providing the housing component with:
 - a first bearing (inherent),
 - a second bearing (inherent) for an input shaft (32) and an output shaft (36) of the transmission,

- a third bearing (inherent) for the differential,
- a container area (62) for a dry sump lubrication of the internal combustion engine

Examiner notes that all modern engine assemblies employ bearings to support rotating shafts, examples of which can be found throughout the references cited by the examiner on form PTO-892.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-8 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okui et al in view of Kameda et al (U.S. Patent No. 5,186,078).

[claims 6 and 18] Okui discloses all of the elements of the claimed invention as described above except for explicitly disclosing the housing component being assembled from a first and a second housing part, wherein the first housing part includes the first bearing of the input shaft and the third bearing of the differential, and the second housing part forming together with the first housing part the second bearing for the output shaft.

Kameda teaches (FIGS 8-12) a driving unit (200) including a housing component (174 and 176) that receives a clutch, a transmission, and a differential wherein the housing component comprises a first housing part (174) for a first bearing of an input shaft (123) and the third

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bearing of the differential (142R), a second housing part forming together with the first housing part the second bearing for the output shaft (122). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the driving unit shown by Okui with the housing component as taught by Kameda, since such a modification would provide the advantage of, according to Kameda, of simplifying the machining processes of the driving unit (Column 4, lines 1-10).

[claims 7 and 19] Kameda further shows the second bearings being formed by bearing halves of the first housing part and of the second housing part (shown in FIGS 1 and 12).

[claims 8 and 20] Kameda further shows the bearing halves are provided on both sides of a plane of separation at which the first housing part and the second housing part are assembled (shown in FIGS 1 and 12).

Claims 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okui et al in view of Okazaki (U.S. Patent No. 4,920,825).

[claims 11 and 23] Okui discloses all of the elements of the claimed invention as described above except for the starter with the starter gear being introduced into the housing through a side wall to cooperate with a sprocket of the clutch. Okazaki teaches (FIG 13 and column 10, lines 25-68) a starter (167) with a starter gear (170) being brought through a side wall of a housing assembly (shown in FIG 13), and the starter gear cooperating with a sprocket (172) of the clutch (179). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the driving unit shown by Okui with the starter configuration

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as taught by Okazaki, since such a modification would provide the advantage of protecting the starter gear and sprocket from external debris.

Claims 12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okui et al in view of Giacosa (U.S. Patent No. 3,302,740).

[claims 12 and 24] Okui discloses all of the elements of the claimed invention as described above except explicitly stating that the housing component is provided on a side facing away from the internal combustion engine with at least one support bracket for the mounting of a driving unit. Giacosa teaches (see FIGS 1-4) a housing component (17, 18) connected to an internal combustion engine (12) wherein the housing component is provided on a side facing away from the internal combustion engine with at least one support bracket (20) for the mounting of a driving unit.

Response to Arguments

Applicant's arguments filed 11/08/2006 have been fully considered but they are not persuasive.

In response to applicant's arguments in re claims 1, 13, and 25, examiner contends that the Okui reference does indeed teach a container area for dry sump lubrication integrated into the housing component as well as a clutch. The claim language recited in claims 1, 13, and 25 is very broad and vague as to any structural limitations placed upon the material construction or physical configuration of the components being claimed. The words "having", "joined", and "integrated" do not describe any actual physical constraints. The allegation that Okui does not

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teach a clutch is incorrect, as applicant points out - Okui teaches that the clutch of the vehicle, although not shown, should be associated with the flywheel in the manner shown in U.S. Patent 5,024,287 (commonly owned and identical inventive entity). Okui is disclosing the details of construction of the drivetrain components inherent in his apparatus, which are in fact configured as claimed in the instant application – see FIG 4 of the ‘287 patent. Okui points to the ‘287 patent at least 4 times in the disclosure, citing it as providing greater detail on numerous facets of the construction of the powertrain assembly. Examiner has cited the reference for the benefit of the applicant. The ‘287 patent was not initially cited, as examiner did not feel that it taught anything that was not conventional in the art and inherent in Okui’s construction at the time the invention was made. Examiner contends that Okui inherently meets the claim limitations of all independent claims currently pending in the instant application as described above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Okui et al (U.S. Patent No. 5,024,287) teaches engine and powertrain construction substantially similar to that of the instant application.

Sano (U.S. Patent No. 3,373,833) teaches a rear-drive powertrain including elements of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vaughn T. Coolman whose telephone number is (571) 272-6014. The examiner can normally be reached on Monday thru Friday, 8am-6pm EST.

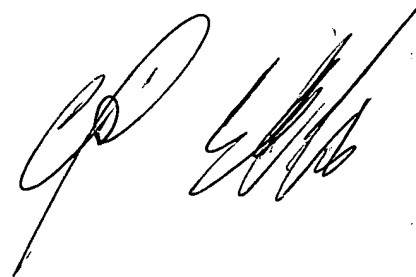
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


vtc 01/18/2007

Travis Coolman
Examiner
Art Unit 3618



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